

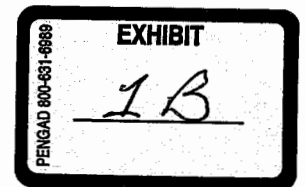
IN THE CIRCUIT COURT OF JEFFERSON COUNTY, MISSOURI
PROBATE DIVISION

COPY

In Re the Matter Of:)
)
 ESTATE OF MICHAEL PATRICK) Case No. 15JE-PR00407
 SCHWARTZ,)
)
 Deceased.)

Deposition of PAUL KOESSEL
On behalf of The Estate of Michael Schwartz

Taken December 21, 2015



Reported by Elizabeth K. Immekus, CCR #484
for
HULL REPORTING
834 Madison Street
Saint Charles, Missouri 63301
(636) 946-1354

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Deposition of PAUL KOESSEL, produced, sworn, and
 examined on behalf of The Estate of Michael Schwartz, on
 the 21st day of December, A.D., 2016, between the hours of
 eight o'clock in the forenoon and six o'clock in the
 afternoon, at the offices of the Missouri Board of
 Probation and Parole, 4621 Yaeger Road, in the City of
 Hillsboro, State of Missouri, before Elizabeth K. Immekus,
 Certified Court Reporter within and for the State of
 Missouri, in a certain cause now pending in the Circuit
 Court of the County of Jefferson, State of Missouri, In Re
 the Matter Of: ESTATE OF MICHAEL PATRICK SCHWARTZ.

APPEARANCES

For The Estate of Michael Schwartz:

THE BAGSBY LAW FIRM
 125 N. Main Street, Suite 204
 St. Charles, MO 63301
 By: Mr. Larry A. Bagsby

and

LAW OFFICE OF KARIE PENNINGTON, LLC
 P.O. Box 2095
 Imperial, MO 63052
 By: Ms. Karie Pennington

Also present:

Mr. Michael Schwartz

Ms. Sheila Dickson
 Office of Probation and Parole
 Hillsboro, MO 63050

PAUL KOESSEL,

being produced, duly sworn, and examined on behalf of The
 Estate of Michael Schwartz, testifies as follows:

DIRECT EXAMINATION

BY MR. BAGSBY:

Q. Sir, would you state your full name, please?

A. My first name is Paul, P-A-U-L, Koessel,
 K-O-E-S-S-E-L.

Q. And what is your employment?

A. I work with the Missouri Board of Probation and
 Parole.

Q. All right. Could you run me through your
 educational background.

A. I have a Bachelor of Science in psychology from
 Southeast Missouri State University.

Q. What year was that?

A. 1991.

Q. Okay. How long have you been employed here with
 the Missouri --

A. Since 1994.

Q. Okay. Has it always been here in Hillsboro?

A. No.

Q. Can you run me through the history of where you
 started?

A. Briefly, I started in St. Louis in 1994,

1 transferred down here in 2001.
 2 Q. Okay. Could you generally just describe for me
 3 what you do here at Missouri Board of Probation and
 4 Parole?
 5 A. I'm a primary supervision officer. I supervise
 6 anywhere from sixty to a hundred clients that are either
 7 adjudicated by the courts or released from the parole
 8 board to parole and do community supervision.
 9 Q. Okay. Now, you've been served with a subpoena in
 10 this case, correct?
 11 A. That's correct.
 12 Q. And you're appearing here today pursuant to that
 13 subpoena.
 14 A. That's correct.
 15 Q. Now, the individual that I want to you ask some
 16 questions about, his name is Michael P. Schwartz. Do you
 17 remember Michael?
 18 A. Vaguely, yes. I do remember.
 19 Q. I'm going to hand you what I've marked as Exhibit
 20 No 1. It's a photograph. Does the photograph at all jog
 21 your memory?
 22 A. That bears his resemblance. Yes.
 23 Q. Okay. I guess before we start, anything unusual
 24 experiences that you had with Michael during your
 25 supervision?

5

1 A. I couldn't comment even if there was.
 2 Q. Okay.
 3 A. I can't comment anything specific to that client
 4 or his case.
 5 Q. And I guess maybe we need to simply explain what
 6 limitations there are, because Sheila was talking to me
 7 about this before we started. Can you tell me just what
 8 are the topics you cannot discuss with me?
 9 A. Basically anything specifically related to Mike's
 10 case.
 11 Q. Okay.
 12 A. I can talk only in hypotheticals and the other
 13 things that would be general terms of his probation,
 14 things that would be public knowledge otherwise.
 15 Q. Right. And I mailed to you prior to the
 16 deposition some records related to Michael. One would
 17 have been his probation order with the special conditions.
 18 You're allowed to discuss that, I assume, because that's
 19 part of the court file.
 20 A. Only in general terms. Nothing specific to him.
 21 Q. Okay.
 22 A. Anything that's on that document I could speak
 23 to, but outside of that, no, as it applied directly to him
 24 or his compliance with it I couldn't talk about.
 25 Q. Okay. Now, both you and Sheila -- And we should

6

1 have this reflected. Sheila is sitting to your right.
 2 during the deposition, right?
 3 A. That's right.
 4 Q. We just think that's a smarter idea to speed
 5 everything up.
 6 A. Okay.
 7 Q. Both you and Sheila have been consulted by the
 8 attorney general's office as to what your limitations are
 9 in this deposition.
 10 A. That is correct.
 11 Q. So I guess if I walk on something that I don't
 12 know what you've been told, that you can't tell me, tell
 13 me, okay?
 14 A. Sure.
 15 Q. That way I just will have a clear understanding
 16 in this record.
 17 A. Absolutely.
 18 Q. All right. We've covered Exhibit 1. I'm going
 19 to hand you what we've marked as Exhibit 2. This is from
 20 the court file. Are you generally familiar with the type
 21 of document that is contained in Exhibit 2?
 22 A. Yes.
 23 Q. Okay.
 24 A. This is basically just a release order on the
 25 probation from the institution.

7

1 Q. Okay. And the cover page, the cover page is
 2 directing Michael Schwartz to report to a specific
 3 probation office immediately, correct?
 4 A. Yes.
 5 Q. And then attached to that is a copy of the
 6 special conditions -- terms and conditions of the
 7 probation, correct?
 8 A. From Lincoln County. Correct.
 9 Q. Okay. Now, that's a fairly typical order that's
 10 issued by a court in a criminal case, isn't it?
 11 A. Yes. It would be. These are fairly common.
 12 Yes.
 13 Q. All right. Now, once they report to the local
 14 office, can you tell me the procedure as far as
 15 registering the probationer?
 16 A. Well, generally we introduce ourself first. Is
 17 that what you're asking, what we do?
 18 Q. Yeah.
 19 A. Generally we'll introduce ourselves to them
 20 first, we'll lay out basic expectations of probation and
 21 parole, generally make them sit through a -- we'll have
 22 them sit through an orientation class, we call it
 23 intake -- we call it intake, it usually occurs once --
 24 every first Wednesday every month. We have the first
 25 Wednesday of every month, because each office has slightly

8

1 specific details over others to give them travel
2 restrictions, things of that nature.

3 Q. Okay.

4 A. So we explain in great detail what their
expectations are when they're on supervision.

6 Q. In this particular case, if you could go to the
7 second page of Exhibit No. 2, there were special
8 conditions. This is the page I'm referring to.

9 A. Okay.

10 Q. There you go.

11 A. Okay.

12 Q. Now, this is the Court's Order of Probation
13 pursuant to 217.362, right?

14 A. That's correct.

15 Q. Okay. Before we get into the specifics of this,
16 I just want to clarify the distinction between a
17 probationer and a parolee. If someone has been to the
18 Department of Corrections, which in this case is reflected
19 on the cover sheet of Exhibit No. 2, because it's a
20 discharge --

21 A. Mm-hm.

22 Q. -- from the Department of Corrections, if there's
23 a violation of the terms and conditions of the Probation
24 and Parole Order, the Court's order, would that person be
25 designated a probation violation or would he be a parolee

9

1 violation where the violation would be go to Board of
2 Probation and Parole?

3 A. Someone coming out of the long-term treatment
4 program 217.362 would be still under probation.

5 Q. Okay.

6 A. Most likely, unless they had like an ancillary
7 case that was a parole case --

8 Q. Okay.

9 A. -- attached to it or riding adjacent to it. Make
10 sense?

11 Q. Yes. So it would be a judge who would be
12 determining whether or not to revoke someone's probation.

13 A. That would be correct.

14 Q. Not the Probation and Parole --

15 A. No.

16 Q. -- in the way a parolee would be violating.

17 A. Even then it's not the Board of Probation and
18 Parole that does that, it's the parole board specifically
19 that makes the end decision --

20 Q. Okay.

21 A. -- on parole cases.

22 Q. Got you. Now, in this particular case it's an
order from the Court so, again, he's going to be a
24 probation violation case, correct?

25 A. Yes. He was on probation.

10

1 Q. Okay. Now, if he were to violate the specific
2 terms and conditions that are laid out in the order, this

3 order that's dated May 20th, 2014, as received in your
4 office, that violation would then go to the Court,
5 correct?

6 A. That is correct.

7 Q. Okay. Now, referring to number one, it says
8 enter and successfully complete an outpatient substance
9 abuse counseling program. Can you explain to me how does
10 a probationer get set up to go into it? Does he get to
11 choose which program he goes into? How does it work?

12 A. Individuals -- It definitely varies from
13 individual to individual. We take a point of view in the
14 Department of Corrections now where we utilize what's
15 called motivational interviewing. The motivational
16 interviewing tends to let the -- Try to give it to you in
17 thirty words or less. The motivational interviewing tends
18 to let the offender help have input and generate part of
19 the supervision plan rather than the probation officer
20 merely just dictating to them you will do A, B, C, and D,
21 or else. So we give them opportunity for feedback. And
22 sometimes if they want to try a specific treatment plan or
23 treatment provider, as long as the treatment provider is
24 legit we'll be glad to let them try that. So they don't
25 have to go -- in other words, they don't have to go to

11

1 whatever treatment we dictate them to go to.

2 Q. Okay.

3 A. They have some latitude and choice, I guess is
4 what I'm trying to say.

5 Q. But they are required to select some program
6 under the order itself, aren't they.

7 A. That would be correct. Yes. Yeah. They have to
8 go to something. They have to do something. They can't
9 just -- Or would have to be deemed by a treatment
10 professional to not need treatment.

11 Q. Okay.

12 A. Then we would submit that to the Court for
13 further review.

14 Q. All right. Do they have a timeframe that they're
15 supposed to do it within?

16 A. Sometimes -- It's flexible. There's usually not
17 a hard concrete timeframe, there's a little bit of
18 flexibility in there, but if it drags on too long we'll
19 definitely bring them to task because they would be -- a
20 lot of times it's because they're still using or maybe
21 it's because they're still -- financial, transportation
22 issues, could be a host of different issues.

23 Q. Okay.

24 A. We have a lot of people who live way out in the
25 middle of rural areas.

12

Q. Okay.

A. So sometimes transportation's an issue, would be things of that nature.

Q. But just to take that issue out to the outer limits, I mean, I would assume you're not going to let them stall three, four months to complete it when the court order says --

A. Again, it would depend -- It's case by case, sir. It's impossible to say within a hundred twenty days, within ninety days. Usually there is a goal set and we try to adhere to that in order to give the offender or client some sort of measure, so we can have some sort of measure for that individual.

Q. Okay.

A. It wouldn't be indefinite. It's hard to explain. It wouldn't be indefinite, but there would definitely be some parameters set.

Q. Okay. What happens if they don't complete the program? I mean, this is condition number one. And I'm assuming it's number one for a reason, the Court finds it important. So if they did not complete that program what would happen to them?

A. Well, I wouldn't necessarily assign the special conditions as having one being more important than any other just because of their chronological order here. I

13

Q. Okay. And you've given me a very broad spectrum

of options of that could cause what your reaction's going to be. Let's assume -- I want you to assume just for the sake of the question, that the probationer is unwilling to do it. He's not going to cooperate.

A. If he was unwilling to do it and just being recalcitrant, continuing to use, it may take a more forceful sanction at that point in time. It would be graduated and progressive. You'd just keep trying to set him up for the next level that would, quote, make sense. It could be a warrant. It could be, you know, requesting a warrant for the judge. But, again, that's always up to the judge whether they actually want to impose the sanctions or not.

Q. Right.

A. I just merely make the recommendation for it.

Q. Right.

A. But along the way I'm going to be utilizing what I touched on earlier, the motivational interviewing to try to get them to see the value in going to treatment, how it's going to benefit them the most.

Q. Okay. But clearly wouldn't one of the options be to generate a violation report and then it's up to the judge to decide whether -- and the prosecutor, actually, to decide --

15

don't know that the Court assigned that -- I couldn't even speculate what's in the Court's mind what they feel is the most important.

Q. Right.

A. So that wouldn't necessarily make it the number one priority. But I will say this, in answer to your question, which was -- Give me your question again. I'm sorry.

Q. Sure. What would happen if he did not complete number one, though?

A. Generally, it could be anything -- again, it's individual based. There's so many different circumstances and reasons. There could be -- I work with all different kinds of people. Again, it could be an instance of transportation; it could be an instance of willingness; it could be an instance of continued relapse; it could be an instance of money, it could be that they don't have any money to get transportation or get a ride there.

Q. Right.

A. Depending on what that circumstance is will dictate my reaction to it. So it could be merely just a re-referral to a different treatment program. It could be merely a counseling or it could be a full-on violation me asking for a warrant. It could be any one of those sanctions.

14

A. And, again, sir, when we're talking about generalities here, each case and each stage of the -- of the violation process is so widespread depending on the individual. It is case by case by case.

Q. Okay.

A. So I could not sit here and give you a definitive answer each and every time I write a violation report, because I may not. Sometimes I may just make a note of it in my file, give them counseling, and readjust the plan accordingly. If it goes too far, like I said, sometimes -- like I said, there is no concrete like if it goes forty days, thirty days, thirty-seven days, we're going to continue to just keep working with that individual and set them logical and progressive consequences.

Q. Are you required to notify the Court?

A. At a minimum they would get notified through the case summary.

Q. Okay.

A. This would all be encompassed in case summaries. Every six months we generate a case summary or if there's other special circumstances that requires like a transfer.

Q. All right. Now, once the individual has selected a specific program that he or she wants to go, like in this case just dealing with item number one, what happens

16

1 after that?
 2 **A. Well, we would set them up with that treatment**
 3 **program, we'd get the referral. And if it's self-initiated**
 4 **we would let them bring us the information, we would check**
 5 **it out, make sure they are a legitimate treatment center.**
 6 **So it wouldn't be -- If they're not licensed or approved**
 7 **by the State of Missouri, generally that's not going to be**
 8 **accepted. In fact, in every case that's not going to be**
 9 **accepted. We have to use licensed providers.**

10 **Q.** Okay. Now, out in your waiting room I couldn't
 11 help but see that this was -- I'm going to hand you what
 12 I've marked as Exhibit No. 7. This is a provider list, I
 13 take it, that's contained your office?

14 **A. Right.**

15 **Q.** Okay. And those are all accepted providers of
 16 outpatient treatment facilities?

17 **A. I'm not going to comment to that, only because I**
 18 **am not intimately familiar with each and every one of**
 19 **these.**

20 **Q.** Okay. Do you recognize it as coming from your
 21 waiting room out in front?

22 **A. Honestly, no.**

23 **Q.** All right.

24 **A. We have resource officers that generates these.**
 25 **Now, if someone were to come ask me about this, I want to**

17

1 go to this one here --

2 **Q.** Mm-hm.

3 **A. -- I would check it out just to make sure, I**
 4 **would confirm that it was actually a legitimate provider**
 5 **before I okayed that individual to go there.**

6 **Q.** Okay. On the document itself, though, do you see
 7 where it lists Assisted Recovery Centers of America as one
 8 of the providers?

9 **A. Yes. I do. It's printed right here.**

10 **Q.** Okay. And are you familiar with that institution
 11 itself?

12 **A. Barely. We don't -- They're up on Delmar**
 13 **Boulevard in St. Louis. Most of our offenders we**
 14 **utilize -- the majority of my offenders, anyway, that I**
 15 **utilize here is with Comtrea. Because we have a contract**
 16 **with them. So a lot of my offenders come to me, they have**
 17 **no insurance, transportation can be an issue with them**
 18 **sometimes, and we work generally a lot with Comtrea.**
 19 **That's the one provider I work with the most.**

20 **Q.** Okay.

21 **A. I've worked with others, many others, but that's**
 22 **the one I've worked with the most.**

23 **Q.** Can you explain to me what you meant when you
 24 said we have a contract? Who's the we?

25 **A. The Department of Corrections. I'm sorry.**

18

1 **Q.** Okay.
 2 MS. DICKSON: Mental health. I don't know if I
 3 should comment on anything yet.

4 MR. BAGSBY: I don't have a problem with this
 5 because --

6 MS. DICKSON: Do you want to go ahead and have me
 7 do the other part, too, or do you want me to just not say
 8 anything?

9 MR. BAGSBY: I don't have a problem if you want
 10 to speak up, really, because, I mean, this is not an
 11 adversarial setting.

12 MS. DICKSON: Because it's Department of Mental
 13 Health that has that through them now --

14 **A. Oh, I'm sorry.**

15 MS. DICKSON: -- it's not really Department of
 16 Corrections. That's okay. It just changed recently.

17 MR. BAGSBY: Okay.

18 MS. DICKSON: So we don't necessarily -- it's not
 19 Department of Corrections that has the contract with
 20 Comtrea, it's Department of the Mental Health. But it is
 21 for our offenders. And because most of them do not have
 22 insurance or can't afford it, they can go there relatively
 23 free or on a sliding scale pretty reasonable.

24 MR. BAGSBY: Okay. Do either one of you know if
 25 ARCA has a Department of Mental Health contract?

19

1 (Brief discussion is held off the record
 2 regarding sworn testimony versus colloquy in transcript.)

3 MS. DICKSON: As far as ARCA being --

4 MR. BAGSBY: Yes.

5 MS. DICKSON: I do not know. Since that's a
 6 St. Louis one it's not one that we utilize, it's -- DMH is
 7 one of the ones in our area. I do not know. St. Louis
 8 may know that in that area. They're not even in our
 9 region.

10 MR. BAGSBY: Okay.

11 MS. DICKSON: And we're the southeast region.

12 MR. BAGSBY: Okay.

13 MS. DICKSON: So R1 is Comtrea for our area.

14 MR. BAGSBY: Is that your understanding why you
 15 have the contract with Comtrea is because it's regionally
 16 in your area?

17 MS. DICKSON: Like there's other ones that have a
 18 DMH contract, but like somebody in Cape may have a
 19 different treatment center that's part of that DMH, but
 20 that's in their area.

21 MR. BAGSBY: Okay.

22 MS. DICKSON: So Comtrea is kind of in our area,
 23 it's in Festus, Arnold, High Ridge. So it's in our area.

24 MR. BAGSBY: Okay. And I may be asking you to
 25 speculate, but would you reasonably believe that ARCA

20

1 would have a contract with the St. Louis area?

2 MS. DICKSON: I have no idea.

3 Q. (By Mr. Bagsby) Paul, do you know?

4 A. I have no idea.

5 Q. Okay. I'm going to hand you what I've marked as
6 Exhibit 3. Can you tell me if you're familiar with that?

7 A. Yes. This is a Missouri Department of
8 Corrections Department of Mental Health Community
9 Treatment Recovery Services referral form.

10 Q. And you've seen that before, I take it?

11 A. I have.

12 Q. Okay. If you go to page two of the document, it
13 looks like there's a three-party contract that everybody
14 has to sign off on it. Tell me if I'm getting this wrong,
15 the far left column seems to be the supervising officer,
16 which would be a probation and parole officer. Is that
17 right?

18 A. Generally, yes.

19 Q. Okay. And then in the center is the client
20 himself?

21 A. Correct.

22 Q. And then on the far right is who?

23 A. The service provider.

24 Q. Okay. So I'm assuming we were just talking a
25 second ago dealing with the issues of Comtrea. Are you

21

1 familiar with this in the context of the contracts you
2 would have with Comtrea?

3 A. Yes. I am.

4 Q. Okay. In this particular case Michael went to an
5 outpatient with ARCA. Can you tell me procedure and
6 policy-wise if he would have to sign a contract like that?

7 A. I can't speak to anything that's directly related
8 to Michael's case.

9 Q. Well, let's just not use his name. Let's assume
10 anybody who goes to a treatment facility in St. Louis,
11 would they be required to have a contract like that?

12 A. Again, I couldn't speak to that because I'm not
13 sure about St. Louis's referral process.

14 Q. Okay.

15 A. It sometimes varies. Like Sheila just stated, it
16 varies region to region. I know that we utilize very
17 similar documents to Comtrea. I fill these out
18 frequently.

19 Q. Okay. Let me see if I can just summarize the
20 purpose of the document and how it works. For instance,
21 if you've got specific conditions of probation that
require treatment, this document Exhibit No. 3 exists so
that everybody's on the same page that the provider can
24 report to the probation officer if that person is not
25 complying with --

22

1 A. No. This is merely the referral form

2 Q. Okay.

3 A. This is merely the referral form that allows the
4 individual to obtain services via the Department of Mental
5 Health.

6 Q. Okay.

7 A. The release of information would be the document
8 you're talking about that allows us to exchange
9 information between parties.

10 Q. That's exactly what I'm talking about. So if
11 you'll look at the second page where all three parties are
12 required to sign that page, it allows a free flow of
13 information, doesn't it?

14 A. No. No. This is not the release of information.

15 Q. Is there a specific separate form?

16 A. I use a different form than this. Yes.

17 Q. Is it one specific to this office?

18 A. I don't know if it's specific to this office,
19 but --

20 MS. DICKSON: It's a standard -- I mean, there's
21 different ones, but we typically use one. Even in our K
22 drive to our computer system they have a form to the
23 release of information for treatment. Typically most
24 people would probably use something like that.

25 MR. BAGSBY: Okay.

23

1 MS. DICKSON: I think what he's trying to say is
2 there's a referral we all agree on and then there's a
3 release of information form, and that form is the one that
4 allows us to interchange information. And not all
5 information, you know.

6 A. Right. And this particular form kind of just
7 outlines roles and responsibilities.

8 Q. (By Mr. Bagsby) Okay.

9 A. It does not allow for the -- I don't want to say
10 circumvent HIPAA, but to alleviate the HIPAA rules in
11 order -- Because without the release of information, I
12 would not be able -- they wouldn't tell me anything.
13 They're required not to say anything at all that that
14 client ever existed or ever sought services, even if they
15 know exactly who sent them there.

16 Q. Right. And that's kind of where I'm going with
17 this. There's got to be some common sense procedure to
18 all this. For instance, I want to go back to Exhibit 3
19 for a minute.

20 A. Okay.

21 Q. If you look at item number four in the left
22 column where it says whose responsibilities are to inform
23 a probation officer about missed appointments, not
24 completing programs, things of that sort, right?

25 A. Yes.

24

Q. And they have to do it -- And I'm assuming that's a responsibility of the provider, isn't it?

A. Yeah. Because this falls under the column of responsibilities of treatment and recovery professional.

Q. So if the provider at the treatment facility is aware that somebody is missing their appointments or not completing programs and things of that sort, they are required within two days to tell the probation officer, aren't they?

A. According to this, yes.

Q. All right. Is that, in reality, how it works? It seems like there would be to be some kind function like that, otherwise you can't know if they're not completing the program.

A. I can tell you this. I get regular -- I'll use Comtrea as an example again, that's the one I'm most familiar with.

Q. Okay.

A. And other treatment programs are fairly good. We use Bill Max up with Assessment Counseling Solutions, as well, in the Fenton area. What I can tell you about them is generally -- generally speaking -- not to be specific to any one case but generally speaking, they're very good about updating us with regular client case summary reports. Sometimes, though, they come in, I would say,

25

every couple weeks, sometimes once a month, they will always detail what's going on. I get phone calls everyday from treatment counselors telling me people have missed appointments --

Q. Okay.

A. -- or that they're doing well sometimes, too, they just want me to know they're doing well. Or that they had a positive urinalysis, etc., or if there's any other major concerns going on. Individuals exhibiting threats towards somebody, they would let me know right away, usually.

Q. All right. And is that -- All those contacts that you do receive from the providers you're referring to, is that a requirement that the provider has signed off on in some document somewhere?

A. To be honest with you, I don't know.

Q. For example, again, the second page of number three, and the document makes total sense to me because --

A. Right.

Q. -- it makes everybody operate under very common sense practice that there is no attorney-client privilege, if the provider is not -- or if the probationer is not doing what he's supposed to be doing the provider is supposed to tell you they're not doing that.

A. That's correct. Yes. They're not supposed to,

26

quote, keep secrets from us.

Q. Correct. And the way it works in reality is that the provider does call you up and tell you that they're not doing --

A. I get it via phone call, email, and faxed documents, you might call them case summary reports or treatment updates.

Q. Okay.

A. I get them regularly. Yes.

MR. BAGSBY: Sheila, would you agree with that, that's how it works?

MS. DICKSON: I think on this particular form, though, since this is the one we utilize with Comtrea, we try to stick to that. Now, I can't say another substance abuse program would agree and have all this signed on here. What I can tell you can happen sometimes if there's a release of information if they revoke that, the client, they cannot tell us anything.

MR. BAGSBY: Right.

MS. DICKSON: We've had that happen. Not very often do clients do that, but they will.

MR. BAGSBY: Okay.

MS. DICKSON: And then we'll address that with the client, because we have to know this information.

MR. BAGSBY: So just to tie all this together,

27

because someone is ordered to complete an outpatient facility under the terms and conditions of their probation, wouldn't they have to execute a document like page two of Exhibit 3?

MS. DICKSON: I know that Comtrea works with us. We have kind of come to this agreement we meet with them twice a year with Comtrea and try to have this good working relationship because they're in our area, they are our contracted one.

MR. BAGSBY: Okay.

MS. DICKSON: I can't say that every other facility uses this particular form.

MR. BAGSBY: Okay. Well, in either of your experiences are you aware of any other instance where there could truly be a provider who's providing services to the Department of Mental Health or Department of Corrections or providing these probation programs and there never is a release? Otherwise, I don't understand how you guys would ever know --

MS. DICKSON: Oh, I would think there would have to be a release for them to be able to tell us anything. The client should have to sign something.

MR. BAGSBY: I got you.

MS. DICKSON: If they don't they cannot tell us anything, even if they wanted to.

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1 MR. BAGSBY: Right. Makes total sense. Okay.
2 Q. I had mailed to you what I've marked as
3 Exhibit 4. It's a collection of information from ARCA.
4 Do you ever recall seeing documents like that about the
5 completion of certain programs?
6 A. I can't comment to -- These are all -- these all
7 bear Michael Schwartz's name with personal information on
8 it.
9 Q. Okay.
10 A. So I can't speak to whether or not I've ever seen
11 these nor do I recall seeing these.
12 Q. That's understandable. In general practice,
13 though, I'm assuming you do get documents similar to what
14 are Exhibit 4 from providers.
15 A. Yes.
16 Q. Okay. Here at your local office what happens to
17 these documents once you get them?
18 A. Okay. So these would go into the file material,
19 into our hard copy file. We would also maybe -- the
20 officer may make notes of it, as well, to refer back to
21 later when he writes his case summary report to notify the
22 Court whether or not this individual's been in compliance
23 and how we know he's been in compliance with his
24 conditions of probation -- or non-compliance, as it were.
25 Q. Okay. And when I started sending subpoenas out

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1 to various offices of department of probation and parole
2 when I started all this --
3 A. Mm-hm.
4 Q. -- I mean, I think I started with you in like
5 June --
6 A. Yes.
7 Q. -- and everybody's telling me where I need to be
8 filing these subpoenas, and I think I hit every office.
9 So I'm trying to figure out where exhibits like four --
10 who's supposed to end up with those types of documents?
11 A. These would have gone into the probation and
12 parole file here at district fifteen, what we call the
13 working file.
14 Q. Okay.
15 A. They would have gone into my -- well, not my
16 working file, the Court's working file or the district's
17 working file. When Mike expired, that would have gone to
18 our clerical for closing.
19 Q. Okay.
20 A. Anything that would have been sent to the Court,
21 case summary reports, notice of citations, violation
22 reports, any official document that would have gone to the
23 Court's file would have been sent to the originating
24 district, which in this case would be --
25 MS. DICKSON: He had two. He had Lincoln County

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1 and St. Louis County, I believe.
2 MR. BAGSBY: St. Louis City, too.
3 MS. DICKSON: Don't quote me, I would have to
4 look at the --
5 A. Right. I would have to look at the orders, as
6 well. But they would go to those originating districts.
7 So they would not receive the working file, they would
8 have what you might call a dummy file or a duplicated
9 file --
10 Q. (By Mr. Bagsby) Okay.
11 A. -- which would just be, like I said, all -- and a
12 district officer would collect those documents and file
13 them into his particular file.
14 Q. Okay.
15 A. All the working things, like the monthly
16 supervision report forms, if we received any letters or
17 treatment documents, they would also go in that file, as
18 well, along with anything else we collect along the way,
19 check stubs -- copies of check stubs, copies of driver's
20 license, whatever the case might be, would all go into
21 that working file.
22 Q. Okay.
23 A. And in this case the working file was destroyed
24 because Michael had expired. So anything that was in that
25 file is gone.

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1 Q. Okay. Let's jump back to Exhibit 3 then. When
2 we were talking about these releases that people sign, are
3 those in the working file?
4 A. They should be.
5 Q. So if that was in the working file --
6 A. It would be destroyed.
7 Q. -- it's destroyed now. Okay. That makes a lot
8 of sense.
9 A. I don't believe that that would go up to the
10 duplicate file. I don't believe that would be sent along.
11 Q. Okay. Because since you're the supervising file
12 you would be the type of office individual supervising
13 officer that would be a party to this agreement, right?
14 A. Yes, sir.
15 Q. Okay.
16 A. Well, and also Mike had multiple probation
17 officers, as well. I just happened to be his last. He
18 had several before me.
19 Q. Right.
20 A. I don't know exactly who it was off the top of my
21 head, but I will say that those would likely be completed
22 before he ever got to me.
23 Q. Oh, I know.
24 A. Especially since he came out from a treatment
25 program and his other officer had him for several months

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1 before I got him.
2 Q. Right. Okay. That makes some sense why we can't
3 find this.
4 Let me hand you -- I've collectively -- Sheila
5 handed these to me just before we started the deposition,
6 I've marked it as Exhibit 5.
7 A. Okay.
8 Q. Can you tell me just what these are and what --
9 I don't want to have to walk through each one, I can read
10 these separately myself at a different time.
11 A. Okay.
12 Q. But can you just tell me what, collectively, is
13 Exhibit 5?
14 A. Can I take a look first?
15 Q. Sure.
16 A. By my count I count ten different documents, a
17 collection of notice of citations and violation reports.
18 Q. Okay. Can you just briefly explain to me who
19 creates the document and where does it get sent to?
20 A. This document, the notice of citations and the
21 violation reports, would be either generated by the
22 probation officer or in the probation officer's absence
23 due to leave of some sort maybe generated by a unit
24 supervisor, as well. Then they're sent to a supervisor
25 for signature and then they're, quote, final form which

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1 means they're put in a final form status sent to the
2 courts after that.
3 Q. Okay.
4 A. And then one's retained in that working file I
5 talked about earlier.
6 MS. DICKSON: Since Paul was supervising last,
7 they would also go to those districts, those originating
8 districts.
9 A. Right.
10 MS. DICKSON: They would be e-mailed.
11 A. That's correct.
12 MS. DICKSON: They're emailed and they can get
13 them out of the computer.
14 Q. (By Mr. Bagsby) Okay. I think I should maybe
15 clear this up. First off, I'm going to clamp all these
16 things. So the violations that are in five, they do
17 somehow get to the court. Is that right?
18 A. That's correct. They're automatically sent to
19 the court via the out-of-district officer. Well, we send
20 them directly to the courts. Here we have a mail that
21 goes out directly to the courts here.
22 MS. DICKSON: If it's a Jefferson County case,
23 yes.
24 A. Out of district it would go to the
25 out-of-district officer --

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1 MS. DICKSON: -- and then they send it
2 A. -- and it's their responsibility to send it to
3 the courts.
4 Q. (By Mr. Bagsby) Okay. Just so I'm getting this
5 clear, you in Hillsboro would -- it would go directly to
6 the Court or it would go to St. Louis County?
7 A. It would go to St. Louis County, Pike County, his
8 originating districts --
9 Q. Okay.
10 A. -- wherever that may be, those originating
11 districts would then disseminate these reports to the
12 Court.
13 Q. Okay.
14 A. The same as if an individual was on probation out
15 of Jefferson County living in St. Louis, the reverse would
16 be true.
17 Q. Do you have discretion on whether or not --
18 Let's assume -- First off, let's define what you said is
19 the originating --
20 A. District.
21 Q. -- district. What is the originating district?
22 A. The originating district in this context means
23 the district that originally had him placed on probation
24 or paroled. Ultimately the custodian of records is the
25 Court. In this case it would be St. Louis County, Lincoln

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1 County, and St. Louis -- it looks like St. Louis County
2 and Lincoln County in this case.
3 Q. Okay.
4 A. And St. Louis City, as well.
5 Q. Okay. So you -- Let's play reverse roles then.
6 Let's assume somebody -- you're not the originating
7 office -- Strike that. I'm sorry. I want you to assume
8 you are the originating office, which is the opposite of
9 this scenario.
10 A. Okay. Correct.
11 Q. Do you have discretion when you receive these --
12 What would you call in Exhibit 5?
13 A. Violation reports, citations.
14 Q. Okay. If you get one from a supervising office
15 that was not the originating office, do you have
16 discretion on whether or not to forward that to the Court
17 or you're required to forward that?
18 A. Oh, there's no discretion there. That document
19 has to go to the Court.
20 Q. Okay. You're just a pipeline, there's no
21 discretion.
22 A. The only time there's a discretion is in the
23 notice of citation. The notice of citation sometimes is
24 held -- for very minor violations is held at the district
25 level, we can check a box it either goes to the Court or

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1 it does not go to the Court. Generally we send them to
2 the Court just so everybody's on the same page.

3 Q. Okay.

4 MS. DICKSON: In our county we do that just
because it's easier. Can't speak for other districts, but
6 we send them -- notice of citations go to our courts.

7 A. Right.

8 MR. BAGSBY: Okay.

9 MS. DICKSON: But like another district maybe
10 they don't -- you don't have to do that, but in our
11 district we do. It's just easier. This judge wants it,
12 this judge doesn't, so we just send them.

13 MR. BAGSBY: Okay. That just makes sense to me.
14 That way it's off your back whether somebody should be
15 revoked or not, it's up to the Court, right?

16 MS. DICKSON: Correct.

17 A. It's always up to the Court.

18 MR. BAGSBY: Right. No, I get that. I get that.

19 Q. And this is what I've marked as Exhibit 6, which
20 Sheila gave me before. And, again, I don't need to walk
21 through each and every one of these, I can read them
22 later.

23 A. Okay.

24 Q. But can you just generally tell me what Exhibit 6
25 is.

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1 court information that we receive.

2 MR. BAGSBY: Okay. So when I started this off

3 with Exhibit 2 about what the court specific orders of
4 conditions of probation were, this document --

5 MS. DICKSON: Yeah. So this document looks like
6 this with these conditions, but this is what it's going to
7 look like in our system.

8 MR. BAGSBY: Right.

9 A. Sometimes they're even handwritten that come over
10 from court.

11 MR. BAGSBY: Okay.

12 Q. And then Exhibit Number 6 becomes the conditions
13 that the probationer has to follow.

14 A. Right.

15 Q. And if they don't follow them you generate
16 Exhibit No. 5 type notices of --

17 A. Yes. Yes.

18 Q. Okay.

19 A. Some are discretionary. Not to get too deep into
20 the weeds --

21 Q. Right.

22 A. -- some of these are discretionary and can be
23 simply logged as a consult with the officer. Sometimes
24 they're notices of citation, sometimes they are full on
25 violation reports.

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1 A. Exhibit 6 appears to be orders of probation
2 forwarded from the Court.

3 Q. Okay. Who generates Exhibit 6?

4 A. Originally?

5 Q. Yeah.

6 A. It would be the Court.

7 Q. Okay.

8 A. It would come over in the form of a court memo.

9 Q. Okay. And do you get copies of these as far as
10 what the conditions of probation are that you're
11 specifically supposed to be supervising the individual of?

12 A. Absolutely, because on the back you'll notice
13 there's a witnessed by and the probationer's signature.
14 So we review these with the offender, we sign it, they
15 sign it, copies goes to the Court, one copy stays in the
16 file, a copy goes to the offender, and a copy also goes to
17 the prosecuting attorney, I believe.

18 Q. Okay. So everybody clearly understands what
19 they're supposed to be doing, right?

20 A. Right. This is the definitive rules of the
21 individual's probation right here.

MS. DICKSON: And, so you know, these are typed
up. Like he said, we'll get a court memo that says see
24 attached and these are the special conditions. This is
25 actually typed up in our computer system, though, from the

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1 Q. All right. Then just to wrap this up, I think
2 we're just about done, I want to be just absolutely clear
3 that going back to Exhibit 3, the second page, this

4 document that is essentially a release between the
5 probation office, the client, and the service provider,
6 that would have been maintained here in Hillsboro.

7 A. That is not this document. The release of
8 information, as it were, yes, would be, as you said, in
9 this working file here and would not have been forwarded
10 on to the originating districts or the originating courts.

11 Q. Got you. And that file has been destroyed
12 because Michael's deceased.

13 A. That's correct.

14 Q. All right. And could you tell me are you allowed
15 to tell me by category what other types of documents would
16 have been in that working file that no longer exist, just
17 so we're not chasing things?

18 MS. DICKSON: That file would have those reports,
19 those notice of citations, it would have the orders, it
20 would have all those things that Paul received, you know,
21 while he was working with him whether it be from substance
22 abuse counselors or whatever, but we wouldn't keep it here
23 because we're not the originating district. So as soon as
24 that file gets closed, they destroy it.

25 MR. BAGSBY: Okay.

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1 Q. And, Mr. Koessel, I think I heard you earlier to
2 say that page two of Exhibit 3, this release, would not be
3 forwarded to the originating office?
4 **A. Again, I have to revert back to tell you that**
5 **this particular document, this is service guidelines.**
6 **This is not the release of information.**
7 Q. But it's a document similar to --
8 **A. Yes. The document that would be the release of**
9 **information would have been in the file that we had here**
10 **and would have gotten destroyed along with -- when he**
11 **expired.**
12 Q. Okay. Is there any chance I could just get a
13 blank copy of what you guys use as a release?
14 MS. DICKSON: What we use as a release?
15 MR. BAGSBY: Yeah.
16 THE WITNESS: I don't think that would be a
17 problem, do you?
18 MS. DICKSON: No.
19 **A. I can provide you one here at the end of the day.**
20 **Well, when we finish up. It won't take me but a minute to**
21 **get you one.**
22 Q. (By Mr. Bagsby) All right. And that would have
23 been -- Well, you're not allowed to say.
24 So whatever -- Could we just go off and have you go
25 get it so I can mark it as an exhibit and then we'll be

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1 done?
2 **A. Sure.**
3 **(Brief recess.)**
4 Q. (By Mr. Bagsby) Okay. Mr. Koessel, you went
5 while we were on break and obtained the type of release
6 that you would have had for a healthcare provider and a
7 probationer to sign off on to allow the free flow exchange
8 of information as related to that treatment. Is that
9 correct?
10 **A. That is correct.**
11 Q. And that's what I've now marked as Exhibit 8.
12 **A. Right. That allows the information to go from**
13 **the treatment provider to us and confidential information**
14 **such as urinalysis results to go back to the treatment**
15 **provider. Without that we can't disclose anything to**
16 **anybody --**
17 Q. Got you.
18 **A. -- along the lines of personal information.**
19 **That's not public information.**
20 Q. Right. Is there a time limit that the provider
21 has to tell you whether or not somebody has either missed
22 an appointment or they're abusing, they're testing
23 positive, things of that sort?
24 **A. I don't believe there's a set guideline other**
25 **than if you read the guidelines I think it's a two working**

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1 **day business period. But, other than that, I don't think**
2 **there's any set --**
3 MS. DICKSON: And that's when they sign this with
4 us. You know, if it's a different treatment program and
5 they don't use that --
6 **A. Right.**
7 MS. DICKSON: I don't know what they would use as
8 their guidelines.
9 **A. Right.**
10 MS. DICKSON: It's not the same, obviously.
11 Q. (By Mr. Bagsby) Is that essentially what
12 Exhibit 3 is, is a guideline?
13 **A. Yes, sir. It says right here: Guidelines.**
14 Q. Okay.
15 **A. This is a client treatment recovery services**
16 **guidelines.**
17 Q. Okay. When you just mentioned the 48-hour
18 thing --
19 **A. That's from this.**
20 Q. Oh, from this?
21 **A. That's from this guideline. It says right here**
22 **two business days.**
23 Q. Right.
24 **A. Actually you pointed it out to me earlier, two**
25 **business days.**

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1 Q. Right. Have you seen that -- I mean, is that in
2 practice reality that these providers usually tell you
3 within two days?
4 **A. I think they try to get information to us as**
5 **quickly as possible and as expeditiously as possible.**
6 **Whether or not it always holds to that two-day rule I**
7 **couldn't say with every treatment. We have thousands and**
8 **thousands of clients going to dozens of different**
9 **treatment providers. There's a lot of moving parts here.**
10 **So to say everything would come in in two days, I couldn't**
11 **specify.**
12 Q. Okay. On your Exhibit 8, can you just explain to
13 me where the provider signs and where the probationer
14 signs?
15 **A. Yeah. I can show you.**
16 Q. Okay.
17 **A. The signatures --**
18 Q. You're on the second page?
19 **A. Yes, sir. It's on page two. Here at the top,**
20 **the client would sign there, and it will have other**
21 **information as you can read through and discern for**
22 **yourself it's fairly self explanatory.**
23 Q. Okay.
24 **A. Here would be the signature of the consumer,**
25 **which would be the offender or the client. The date. The**

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1 witness would be the probation officer or, I guess, any
 2 individual who was utilizing this, a DFS worker or
 3 whatever.

4 Q. Okay.

A. The witness would do this and they would date it.
 6 And if there's a minor there's a block for parent or
 7 guardian to sign. Notice of revocation, they can also
 8 sign here if they decide to revoke this. They can revoke
 9 this at any time. So say they stumble upon something they
 10 don't want their probation officer to know about, they can
 11 sign this immediately and say: I don't want anybody to
 12 know anything about this, I want to revoke this right now,
 13 and they can pull back that permission. It's their
 14 information so they can share with it or pull it back as
 15 they wish.

16 Q. Okay.

A. So those are the places that one would sign on
 18 this document.

Q. Out of curiosity, I mean, could they really
 20 revoke -- Let's assume somebody's ordered to attend a
 21 12-week outpatient program, just the abstract. Three
 22 weeks into it you get a hint that maybe they're not
 23 completing the program and they have signed the
 24 revocation. Are they really allowed to sign the
 25 revocation?

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1 presentment whether you want to see it and review it for
 2 any misspellings.

3 THE WITNESS: Would I be allowed to keep a copy,
 4 sir?

5 (Brief discussion is held off the record.)

6 MR. BAGSBY: Or you can waive the review of it.

7 THE WITNESS: I would like to review it,
 8 personally.

10 * * * * *

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1 A. Yes. The treatment provider would most likely
 2 let us know immediately --

3 Q. That they did sign --

A. -- that they signed the revocation and we can't
 5 tell you anymore information. At that point in time my
 6 approach would be simply to tell the offender: You've
 7 revoked that, that's your prerogative, however understand
 8 that I cannot verify any further treatment with that
 9 therefore it could jeopardize your status of probation.

10 Q. Got you.

11 Sheila, do you agree with that?

12 MS. DICKSON: Yes.

13 MR. BAGSBY: All right. I don't have any other
 14 questions. I really appreciate your cooperation.

15 Have you ever had your deposition taken before?

16 THE WITNESS: It's been a while.

17 MR. BAGSBY: Okay. There's this rule about
 18 depositions. You are allowed the right of what's called
 19 presentment. In other words, she's going to type this up
 20 question, answer, question, answer, question, answer, and
 21 you're allowed to review it for spelling mistakes only,
 22 what you can't do is add to an answer, delete from an
 23 answer --

24 THE WITNESS: Mm-hm.

25 MR. BAGSBY: -- but it's your right of

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WITNESS: PAUL KOESSEL

ERRATA SHEET

In Re the Matter Of: ESTATE OF MICHAEL PATRICK SCHWARTZ
 Upon reading the deposition and before subscribing
 thereto, the deponent indicated the following changes
 should be made:

Page ____ Line ____ Should read:
 Reason assigned for change:

Page ____ Line ____ Should read:
 Reason assigned for change:

Page ____ Line ____ Should read:
 Reason assigned for change:

Page ____ Line ____ Should read:
 Reason assigned for change:

Page ____ Line ____ Should read:
 Reason assigned for change:

Page ____ Line ____ Should read:
 Reason assigned for change:

eki(Koessel)

DEPONENT: _____

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I, PAUL KOESSEL, do hereby state that I have read the foregoing questions and answers in this transcript of my deposition, page 4 through and including page 58, and that this is a true and accurate (corrected) report of said answers given in response to the questions propounded and appearing herein.

PAUL KOESSEL

Subscribed and sworn to before me this _____ day of January, 2016.

NOTARY PUBLIC

My commission expires _____.

eki

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HULL REPORTING
834 Madison Street
St. Charles, MO 63301
(636) 946-1354

January 5, 2016

Mr. Paul Koessel
Department of Corrections
4621 Yaeger Road
Hillsboro, MO 63050

In Re: In Re the Matter Of: Estate of Michael Patrick Schwartz; Case No. 15JE-PR00407

Dear Mr. Koessel:

Attached via email please find your December 21, 2015, deposition in this matter. Pages 48 and 49 of the transcript may be printed off as your original signature page and correction sheet to be utilized when you review the transcript.

After you carefully review the transcript, please return to Mr. Larry Bagsby the signed and notarized signature page and the signed correction sheet so that he may attach them to the Court's original transcript.

Thank you for your cooperation in this matter.

Sincerely,

Elizabeth K. Immekus, CCR
Attachment

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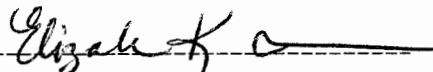
CERTIFICATE

I, Elizabeth K. Immekus, Certified Court Reporter within and for the State of Missouri, do hereby certify that, pursuant to notice and agreement, there came before me at the law offices of Office of Probation and Parole, 4621 Yaeger Road, in the City of Hillsboro, State of Missouri,

PAUL KOESSEL,

who was by me first duly sworn to tell the whole truth of his knowledge touching the matter in controversy aforesaid; that he was examined on the day, between the hours, and at the place in that behalf first aforesaid; that his examination was taken in machine shorthand, later reduced to typewriting, and submitted to his for signature; and that the deposition is now herewith returned.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 5th day of January, 2016.


Elizabeth K. Immekus, CCR #484

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, MISSOURI
PROBATE DIVISION

In Re the Matter Of:) January 5, 2016
)
 ESTATE OF MICHAEL) Case No. 15JE-PR00407
 PATRICK SCHWARTZ,)
)
 Deceased.)

REPORTER'S CERTIFICATE

I hereby certify that the original deposition of
PAUL KOESSEL, taken December 21, 2015, has been delivered
to: The Bagsby Law Firm, 125 N. Main Street, Suite 204,
St. Charles, MO, 63301, and the following charges have
been made and are expected to be paid in the normal course
of business:

STATEMENT OF DEPOSITION COSTS

TOTAL FOR THE ESTATE: \$282.50

Elizabeth K. Immekus, CCR #484
HULL REPORTING
834 Madison Street
St. Charles, MO 63301
(636) 946-1354

#484 [3] - 1:22, 50:21, 52:22	52 [1] - 49:3	agree [4] - 24:2, 27:10, 27:15, 46:11 agreement [3] - 28:6, 32:13, 50:4 ahead [1] - 19:6 alleviate [1] - 24:10 allow [2] - 24:9, 42:7 allowed [7] - 6:18, 40:14, 41:23, 45:24, 46:18, 46:21, 47:3 allows [5] - 23:3, 23:8, 23:12, 24:4, 42:12 America [1] - 18:7 ancillary [1] - 10:6 answer [7] - 14:6, 16:7, 46:20, 46:22, 46:23 answers [2] - 49:2, 49:5 anyway [1] - 18:14 APPEARANCES [1] - 3:1 appearing [2] - 5:12, 49:6 applied [1] - 6:23 appointment [1] - 42:22 appointments [3] - 24:23, 25:6, 26:4 appreciate [1] - 46:14 approach [1] - 46:6 approved [1] - 17:6 ARCA [5] - 19:25, 20:3, 20:25, 22:5, 29:3 area [10] - 20:7, 20:8, 20:13, 20:16, 20:20, 20:22, 20:23, 21:1, 25:21, 28:8 areas [1] - 12:25 Arnold [1] - 20:23 Assessment [1] - 25:20 assign [1] - 13:23 assigned [7] - 14:1, 48:8, 48:11, 48:14, 48:17, 48:20, 48:23 Assisted [1] - 18:7 assume [9] - 6:18, 13:5, 15:3, 22:9, 35:18, 36:6, 36:7, 45:20 assuming [4] - 13:20, 21:24, 25:1, 29:13 attach [1] - 51:16 attached [3] - 8:5, 10:9, 38:24 Attached [1] - 51:11 Attachment [1] -	attend [1] - 45:20 attorney [3] - 7:8, 26:21, 38:17 attorney-client [1] - 26:21 automatically [1] - 34:18 aware [2] - 25:6, 28:14	business [4] - 43:1, 43:22, 43:25, 52:14 BY [1] - 4:5
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